

SECOND REGULAR SESSION

SENATE BILL NO. 1046

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WRIGHT-JONES.

Read 1st time March 1, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4694S.011

AN ACT

To repeal section 167.031, RSMo, and to enact in lieu thereof one new section relating to school attendance age.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 167.031, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 167.031, to read as follows:

167.031. 1. Every parent, guardian or other person in this state having
2 charge, control or custody of a child not enrolled in a public, private, parochial,
3 parish school or full-time equivalent attendance in a combination of such schools
4 and between the ages of seven years **in a seven director or urban school**
5 **district, or five years in a metropolitan school district**, and the
6 compulsory attendance age for the district is responsible for enrolling the child
7 in a program of academic instruction which complies with subsection 2 of this
8 section. Any parent, guardian or other person who enrolls a child between the
9 ages of five and seven years in a public school program of academic instruction
10 **in a seven director or urban school district** shall cause such child to attend
11 the academic program on a regular basis, according to this
12 section. Nonattendance by such child shall cause such parent, guardian or other
13 responsible person to be in violation of the provisions of section 167.061, except
14 as provided by this section. A parent, guardian or other person in this state
15 having charge, control, or custody of a child between the ages of seven years of
16 age **in a seven director or urban school district or five years of age for**
17 **a metropolitan school district** and the compulsory attendance age for the
18 district shall cause the child to attend regularly some public, private, parochial,
19 parish, home school or a combination of such schools not less than the entire

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 school term of the school which the child attends; except that:

21 (1) A child who, to the satisfaction of the superintendent of public schools
22 of the district in which he resides, or if there is no superintendent then the chief
23 school officer, is determined to be mentally or physically incapacitated may be
24 excused from attendance at school for the full time required, or any part thereof;

25 (2) A child between fourteen years of age and the compulsory attendance
26 age for the district may be excused from attendance at school for the full time
27 required, or any part thereof, by the superintendent of public schools of the
28 district, or if there is none then by a court of competent jurisdiction, when legal
29 employment has been obtained by the child and found to be desirable, and after
30 the parents or guardian of the child have been advised of the pending action; or

31 (3) **In seven director or urban school districts**, a child between five
32 and seven years of age shall be excused from attendance at school if a parent,
33 guardian or other person having charge, control or custody of the child makes a
34 written request that the child be dropped from the school's rolls.

35 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school,
36 whether incorporated or unincorporated, that:

37 (a) Has as its primary purpose the provision of private or religious-based
38 instruction;

39 (b) Enrolls pupils between the ages of seven years **in a seven director**
40 **or urban school district or five years in a metropolitan school district**
41 and the compulsory attendance age for the district, of which no more than four
42 are unrelated by affinity or consanguinity in the third degree; and

43 (c) Does not charge or receive consideration in the form of tuition, fees, or
44 other remuneration in a genuine and fair exchange for provision of instruction.

45 (2) As evidence that a child is receiving regular instruction, the parent
46 shall, except as otherwise provided in this subsection:

47 (a) Maintain the following records:

48 a. A plan book, diary, or other written record indicating subjects taught
49 and activities engaged in; and

50 b. A portfolio of samples of the child's academic work; and

51 c. A record of evaluations of the child's academic progress; or

52 d. Other written, or credible evidence equivalent to subparagraphs a., b.
53 and c.; and

54 (b) Offer at least one thousand hours of instruction, at least six hundred
55 hours of which will be in reading, language arts, mathematics, social studies and

56 science or academic courses that are related to the aforementioned subject areas
57 and consonant with the pupil's age and ability. At least four hundred of the six
58 hundred hours shall occur at the regular home school location.

59 (3) The requirements of subdivision (2) of this subsection shall not apply
60 to any pupil above the age of sixteen years.

61 3. Nothing in this section shall require a private, parochial, parish or
62 home school to include in its curriculum any concept, topic, or practice in conflict
63 with the school's religious doctrines or to exclude from its curriculum any concept,
64 topic, or practice consistent with the school's religious doctrines. Any other
65 provision of the law to the contrary notwithstanding, all departments or agencies
66 of the state of Missouri shall be prohibited from dictating through rule, regulation
67 or other device any statewide curriculum for private, parochial, parish or home
68 schools.

69 4. A school year begins on the first day of July and ends on the thirtieth
70 day of June following.

71 5. The production by a parent of a daily log showing that a home school
72 has a course of instruction which satisfies the requirements of this section or, in
73 the case of a pupil over the age of sixteen years who attended a metropolitan
74 school district the previous year, a written statement that the pupil is attending
75 home school in compliance with this section shall be a defense to any prosecution
76 under this section and to any charge or action for educational neglect brought
77 pursuant to chapter 210, RSMo.

78 6. As used in sections 167.031 to 167.051, the term "compulsory
79 attendance age for the district" shall mean:

80 (1) **[Seventeen] Eighteen** years of age for any metropolitan school district
81 [for which the school board adopts a resolution to establish such compulsory
82 attendance age; provided that such resolution shall take effect no earlier than the
83 school year next following the school year during which the resolution is adopted];
84 and

85 (2) **In a seven director or urban school district**, seventeen years of
86 age or having successfully completed sixteen credits towards high school
87 graduation in all other cases.

88 [The school board of a metropolitan school district for which the compulsory
89 attendance age is seventeen years may adopt a resolution to lower the compulsory
90 attendance age to sixteen years; provided that such resolution shall take effect
91 no earlier than the school year next following the school year during which the

92 resolution is adopted.]

93 7. For purposes of subsection 2 of this section as applied in subsection 6
94 herein, a "completed credit towards high school graduation" shall be defined as
95 one hundred hours or more of instruction in a course. Home school education
96 enforcement and records pursuant to this section, and sections 210.167 and
97 211.031, RSMo, shall be subject to review only by the local prosecuting attorney.

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Unofficial

Bill

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